

As Introduced

135th General Assembly

Regular Session

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H. B. No. 148

Representative Dell'Aquila

**Cosponsors: Representatives Galonski, Troy, Upchurch, Forhan, McNally,
Abdullahi, Brennan**

A BILL

To amend sections 2905.05 and 2950.01 of the 1
Revised Code to require that a person act with a 2
sexual motivation to commit the offense of 3
criminal child enticement. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2905.05 and 2950.01 of the 5
Revised Code be amended to read as follows: 6

Sec. 2905.05. (A) No person, by any means and without 7
privilege to do so, and with a sexual motivation, shall 8
knowingly solicit, coax, entice, or lure any child under 9
fourteen years of age to accompany the person in any manner, 10
including entering into any vehicle or onto any vessel, whether 11
or not the offender knows the age of the child, ~~if both of the~~ 12
~~following apply:~~ 13

~~(1) The actor does not have the express or implied 14
permission of the parent, guardian, or other legal custodian of 15
the child in undertaking the activity. 16~~

~~(2) The actor is not a law enforcement officer, medic, 17~~

~~firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of, any board of education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.~~

~~(B) No person, with a sexual motivation, shall violate division (A) of this section.~~

~~(C) No person, for any unlawful purpose other than, or in addition to, that proscribed by division (A) of this section, shall engage in any activity described in division (A) of this section.~~

~~(D) It is an affirmative defense to a charge under division (A) of this section that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.~~

~~(E) (C) Whoever violates division (A), or (B), or (C) of this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, section 2907.02 or 2907.03 or former section 2907.12 of the Revised Code, or section 2905.01 or 2907.05 of the Revised Code when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony of the fifth degree.~~

~~(F) (D) As used in this section:~~

(1) "Sexual motivation" has the same meaning as in section

2971.01 of the Revised Code.	47
(2) "Vehicle" has the same meaning as in section 4501.01 of the Revised Code.	48 49
(3) "Vessel" has the same meaning as in section 1546.01 of the Revised Code.	50 51
Sec. 2950.01. As used in this chapter, unless the context clearly requires otherwise:	52 53
(A) "Sexually oriented offense" means any of the following violations or offenses committed by a person, regardless of the person's age:	54 55 56
(1) A violation of section 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code;	57 58 59
(2) A violation of section 2907.04 of the Revised Code when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct, the other person did not consent to the sexual conduct, and the offender previously has not been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code;	60 61 62 63 64 65 66 67
(3) A violation of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct or when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct and the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised	68 69 70 71 72 73 74 75

Code;	76
(4) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation;	77 78 79
(5) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;	80 81 82 83
(6) A violation of division (A) (3) of section 2903.211 of the Revised Code;	84 85
(7) A violation of division (A) (1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation;	86 87 88
(8) A violation of division (A) (4) of section 2905.01 of the Revised Code;	89 90
(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;	91 92 93 94
(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) <u>(A)</u> of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;	95 96 97 98
(11) A violation of section 2905.32 of the Revised Code when either of the following applies:	99 100
(a) The violation is a violation of division (A) (1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or	101 102 103

maintained, or knowingly attempted to recruit, lure, entice, 104
isolate, harbor, transport, provide, obtain, or maintain, 105
another person knowing that the person would be compelled to 106
engage in sexual activity for hire, engage in a performance that 107
was obscene, sexually oriented, or nudity oriented, or be a 108
model or participant in the production of material that was 109
obscene, sexually oriented, or nudity oriented. 110

(b) The violation is a violation of division (A) (2) of 111
that section and the offender knowingly recruited, lured, 112
enticed, isolated, harbored, transported, provided, obtained, or 113
maintained, or knowingly attempted to recruit, lure, entice, 114
isolate, harbor, transport, provide, obtain, or maintain a 115
person who is less than eighteen years of age or is a person 116
with a developmental disability whom the offender knows or has 117
reasonable cause to believe is a person with a developmental 118
disability for any purpose listed in divisions (A) (2) (a) to (c) 119
of that section. 120

(12) A violation of division (B) (4) of section 2907.09 of 121
the Revised Code if the sentencing court classifies the offender 122
as a tier I sex offender/child-victim offender relative to that 123
offense pursuant to division (D) of that section; 124

(13) A violation of any former law of this state, any 125
existing or former municipal ordinance or law of another state 126
or the United States, any existing or former law applicable in a 127
military court or in an Indian tribal court, or any existing or 128
former law of any nation other than the United States that is or 129
was substantially equivalent to any offense listed in division 130
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 131
(12) of this section; 132

(14) Any attempt to commit, conspiracy to commit, or 133

complicity in committing any offense listed in division (A) (1), 134
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 135
(13) of this section. 136

(B) (1) "Sex offender" means, subject to division (B) (2) of 137
this section, a person who is convicted of, pleads guilty to, 138
has been convicted of, has pleaded guilty to, is adjudicated a 139
delinquent child for committing, or has been adjudicated a 140
delinquent child for committing any sexually oriented offense. 141

(2) "Sex offender" does not include a person who is 142
convicted of, pleads guilty to, has been convicted of, has 143
pleaded guilty to, is adjudicated a delinquent child for 144
committing, or has been adjudicated a delinquent child for 145
committing a sexually oriented offense if the offense involves 146
consensual sexual conduct or consensual sexual contact and 147
either of the following applies: 148

(a) The victim of the sexually oriented offense was 149
eighteen years of age or older and at the time of the sexually 150
oriented offense was not under the custodial authority of the 151
person who is convicted of, pleads guilty to, has been convicted 152
of, has pleaded guilty to, is adjudicated a delinquent child for 153
committing, or has been adjudicated a delinquent child for 154
committing the sexually oriented offense. 155

(b) The victim of the offense was thirteen years of age or 156
older, and the person who is convicted of, pleads guilty to, has 157
been convicted of, has pleaded guilty to, is adjudicated a 158
delinquent child for committing, or has been adjudicated a 159
delinquent child for committing the sexually oriented offense is 160
not more than four years older than the victim. 161

(C) "Child-victim oriented offense" means any of the 162

following violations or offenses committed by a person, 163
regardless of the person's age, when the victim is under 164
eighteen years of age and is not a child of the person who 165
commits the violation: 166

(1) A violation of division (A) (1), (2), (3), or (5) of 167
section 2905.01 of the Revised Code when the violation is not 168
included in division (A) (7) of this section; 169

(2) A violation of division (A) of section 2905.02, or 170
division (A) of section 2905.03, ~~or division (A) of section~~ 171
~~2905.05~~ of the Revised Code; 172

(3) A violation of any former law of this state, any 173
existing or former municipal ordinance or law of another state 174
or the United States, any existing or former law applicable in a 175
military court or in an Indian tribal court, or any existing or 176
former law of any nation other than the United States that is or 177
was substantially equivalent to any offense listed in division 178
(C) (1) or (2) of this section; 179

(4) Any attempt to commit, conspiracy to commit, or 180
complicity in committing any offense listed in division (C) (1), 181
(2), or (3) of this section. 182

(D) "Child-victim offender" means a person who is 183
convicted of, pleads guilty to, has been convicted of, has 184
pleaded guilty to, is adjudicated a delinquent child for 185
committing, or has been adjudicated a delinquent child for 186
committing any child-victim oriented offense. 187

(E) "Tier I sex offender/child-victim offender" means any 188
of the following: 189

(1) A sex offender who is convicted of, pleads guilty to, 190
has been convicted of, or has pleaded guilty to any of the 191

following sexually oriented offenses:	192
(a) A violation of section 2907.06, 2907.07, 2907.08,	193
2907.22, or 2907.32 of the Revised Code;	194
(b) A violation of section 2907.04 of the Revised Code	195
when the offender is less than four years older than the other	196
person with whom the offender engaged in sexual conduct, the	197
other person did not consent to the sexual conduct, and the	198
offender previously has not been convicted of or pleaded guilty	199
to a violation of section 2907.02, 2907.03, or 2907.04 of the	200
Revised Code or a violation of former section 2907.12 of the	201
Revised Code;	202
(c) A violation of division (A) (1), (2), (3), or (5) of	203
section 2907.05 of the Revised Code;	204
(d) A violation of division (A) (3) of section 2907.323 of	205
the Revised Code;	206
(e) A violation of division (A) (3) of section 2903.211, of	207
division (B) of section 2905.03, or of division (B) <u>(A)</u> of	208
section 2905.05 of the Revised Code;	209
(f) A violation of division (B) (4) of section 2907.09 of	210
the Revised Code if the sentencing court classifies the offender	211
as a tier I sex offender/child-victim offender relative to that	212
offense pursuant to division (D) of that section;	213
(g) A violation of any former law of this state, any	214
existing or former municipal ordinance or law of another state	215
or the United States, any existing or former law applicable in a	216
military court or in an Indian tribal court, or any existing or	217
former law of any nation other than the United States, that is	218
or was substantially equivalent to any offense listed in	219
division (E) (1) (a), (b), (c), (d), (e), or (f) of this section;	220

(h) Any attempt to commit, conspiracy to commit, or 221
complicity in committing any offense listed in division (E) (1) 222
(a), (b), (c), (d), (e), (f), or (g) of this section. 223

(2) A child-victim offender who is convicted of, pleads 224
guilty to, has been convicted of, or has pleaded guilty to a 225
child-victim oriented offense and who is not within either 226
category of child-victim offender described in division (F) (2) 227
or (G) (2) of this section. 228

(3) A sex offender who is adjudicated a delinquent child 229
for committing or has been adjudicated a delinquent child for 230
committing any sexually oriented offense and who a juvenile 231
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 232
of the Revised Code, classifies a tier I sex offender/child- 233
victim offender relative to the offense. 234

(4) A child-victim offender who is adjudicated a 235
delinquent child for committing or has been adjudicated a 236
delinquent child for committing any child-victim oriented 237
offense and who a juvenile court, pursuant to section 2152.82, 238
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 239
tier I sex offender/child-victim offender relative to the 240
offense. 241

(F) "Tier II sex offender/child-victim offender" means any 242
of the following: 243

(1) A sex offender who is convicted of, pleads guilty to, 244
has been convicted of, or has pleaded guilty to any of the 245
following sexually oriented offenses: 246

(a) A violation of section 2907.21, 2907.321, or 2907.322 247
of the Revised Code; 248

(b) A violation of section 2907.04 of the Revised Code 249

when the offender is at least four years older than the other 250
person with whom the offender engaged in sexual conduct, or when 251
the offender is less than four years older than the other person 252
with whom the offender engaged in sexual conduct and the 253
offender previously has been convicted of or pleaded guilty to a 254
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 255
Code or former section 2907.12 of the Revised Code; 256

(c) A violation of division (A) (4) of section 2907.05 or 257
of division (A) (1) or (2) of section 2907.323 of the Revised 258
Code; 259

(d) A violation of division (A) (1), (2), (3), or (5) of 260
section 2905.01 of the Revised Code when the offense is 261
committed with a sexual motivation; 262

(e) A violation of division (A) (4) of section 2905.01 of 263
the Revised Code when the victim of the offense is eighteen 264
years of age or older; 265

(f) A violation of division (B) of section 2905.02 or of 266
division (B) (5) of section 2919.22 of the Revised Code; 267

(g) A violation of section 2905.32 of the Revised Code 268
that is described in division (A) (11) (a) or (b) of this section; 269

(h) A violation of any former law of this state, any 270
existing or former municipal ordinance or law of another state 271
or the United States, any existing or former law applicable in a 272
military court or in an Indian tribal court, or any existing or 273
former law of any nation other than the United States that is or 274
was substantially equivalent to any offense listed in division 275
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 276

(i) Any attempt to commit, conspiracy to commit, or 277
complicity in committing any offense listed in division (F) (1) 278

(a), (b), (c), (d), (e), (f), (g), or (h) of this section;	279
(j) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or has been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.	280 281 282 283 284 285
(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.	286 287 288 289 290 291 292 293
(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the offense.	294 295 296 297 298 299
(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the current offense.	300 301 302 303 304 305 306
(5) A sex offender or child-victim offender who is not in	307

any category of tier II sex offender/child-victim offender set 308
forth in division (F) (1), (2), (3), or (4) of this section, who 309
prior to January 1, 2008, was adjudicated a delinquent child for 310
committing a sexually oriented offense or child-victim oriented 311
offense, and who prior to that date was determined to be a 312
habitual sex offender or determined to be a habitual child- 313
victim offender, unless either of the following applies: 314

(a) The sex offender or child-victim offender is 315
reclassified pursuant to section 2950.031 or 2950.032 of the 316
Revised Code as a tier I sex offender/child-victim offender or a 317
tier III sex offender/child-victim offender relative to the 318
offense. 319

(b) A juvenile court, pursuant to section 2152.82, 320
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 321
child a tier I sex offender/child-victim offender or a tier III 322
sex offender/child-victim offender relative to the offense. 323

(G) "Tier III sex offender/child-victim offender" means 324
any of the following: 325

(1) A sex offender who is convicted of, pleads guilty to, 326
has been convicted of, or has pleaded guilty to any of the 327
following sexually oriented offenses: 328

(a) A violation of section 2907.02 or 2907.03 of the 329
Revised Code; 330

(b) A violation of division (B) of section 2907.05 of the 331
Revised Code; 332

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 333
the Revised Code when the violation was committed with a sexual 334
motivation; 335

(d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;

(e) A violation of division (A)(4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;

(f) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;

(g) A violation of division (B) of section 2903.03 of the Revised Code;

(h) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (G)(1)(a), (b), (c), (d), (e), (f), or (g) of this section;

(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G)(1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section;

(j) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III sex offender/child-

victim offender. 365

(2) A child-victim offender who is convicted of, pleads 366
guilty to, has been convicted of, or has pleaded guilty to any 367
child-victim oriented offense when the child-victim oriented 368
offense is committed after the child-victim offender previously 369
has been convicted of, pleaded guilty to, or been adjudicated a 370
delinquent child for committing any sexually oriented offense or 371
child-victim oriented offense for which the offender was 372
classified a tier II sex offender/child-victim offender or a 373
tier III sex offender/child-victim offender. 374

(3) A sex offender who is adjudicated a delinquent child 375
for committing or has been adjudicated a delinquent child for 376
committing any sexually oriented offense and who a juvenile 377
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 378
of the Revised Code, classifies a tier III sex offender/child- 379
victim offender relative to the offense. 380

(4) A child-victim offender who is adjudicated a 381
delinquent child for committing or has been adjudicated a 382
delinquent child for committing any child-victim oriented 383
offense and whom a juvenile court, pursuant to section 2152.82, 384
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 385
tier III sex offender/child-victim offender relative to the 386
current offense. 387

(5) A sex offender or child-victim offender who is not in 388
any category of tier III sex offender/child-victim offender set 389
forth in division (G) (1), (2), (3), or (4) of this section, who 390
prior to January 1, 2008, was convicted of or pleaded guilty to 391
a sexually oriented offense or child-victim oriented offense or 392
was adjudicated a delinquent child for committing a sexually 393
oriented offense or child-victim oriented offense and classified 394

a juvenile offender registrant, and who prior to that date was 395
adjudicated a sexual predator or adjudicated a child-victim 396
predator, unless either of the following applies: 397

(a) The sex offender or child-victim offender is 398
reclassified pursuant to section 2950.031 or 2950.032 of the 399
Revised Code as a tier I sex offender/child-victim offender or a 400
tier II sex offender/child-victim offender relative to the 401
offense. 402

(b) The sex offender or child-victim offender is a 403
delinquent child, and a juvenile court, pursuant to section 404
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 405
classifies the child a tier I sex offender/child-victim offender 406
or a tier II sex offender/child-victim offender relative to the 407
offense. 408

(6) A sex offender who is convicted of, pleads guilty to, 409
was convicted of, or pleaded guilty to a sexually oriented 410
offense, if the sexually oriented offense and the circumstances 411
in which it was committed are such that division (F) of section 412
2971.03 of the Revised Code automatically classifies the 413
offender as a tier III sex offender/child-victim offender; 414

(7) A sex offender or child-victim offender who is 415
convicted of, pleads guilty to, was convicted of, pleaded guilty 416
to, is adjudicated a delinquent child for committing, or was 417
adjudicated a delinquent child for committing a sexually 418
oriented offense or child-victim offense in another state, in a 419
federal court, military court, or Indian tribal court, or in a 420
court in any nation other than the United States if both of the 421
following apply: 422

(a) Under the law of the jurisdiction in which the 423

offender was convicted or pleaded guilty or the delinquent child 424
was adjudicated, the offender or delinquent child is in a 425
category substantially equivalent to a category of tier III sex 426
offender/child-victim offender described in division (G) (1), 427
(2), (3), (4), (5), or (6) of this section. 428

(b) Subsequent to the conviction, plea of guilty, or 429
adjudication in the other jurisdiction, the offender or 430
delinquent child resides, has temporary domicile, attends school 431
or an institution of higher education, is employed, or intends 432
to reside in this state in any manner and for any period of time 433
that subjects the offender or delinquent child to a duty to 434
register or provide notice of intent to reside under section 435
2950.04 or 2950.041 of the Revised Code. 436

(H) "Confinement" includes, but is not limited to, a 437
community residential sanction imposed pursuant to section 438
2929.16 or 2929.26 of the Revised Code. 439

(I) "Prosecutor" has the same meaning as in section 440
2935.01 of the Revised Code. 441

(J) "Supervised release" means a release of an offender 442
from a prison term, a term of imprisonment, or another type of 443
confinement that satisfies either of the following conditions: 444

(1) The release is on parole, a conditional pardon, under 445
a community control sanction, under transitional control, or 446
under a post-release control sanction, and it requires the 447
person to report to or be supervised by a parole officer, 448
probation officer, field officer, or another type of supervising 449
officer. 450

(2) The release is any type of release that is not 451
described in division (J) (1) of this section and that requires 452

the person to report to or be supervised by a probation officer, 453
a parole officer, a field officer, or another type of 454
supervising officer. 455

(K) "Sexually violent predator specification," "sexually 456
violent predator," "sexually violent offense," "sexual 457
motivation specification," "designated homicide, assault, or 458
kidnapping offense," and "violent sex offense" have the same 459
meanings as in section 2971.01 of the Revised Code. 460

(L) "Post-release control sanction" and "transitional 461
control" have the same meanings as in section 2967.01 of the 462
Revised Code. 463

(M) "Juvenile offender registrant" means a person who is 464
adjudicated a delinquent child for committing on or after 465
January 1, 2002, a sexually oriented offense or a child-victim 466
oriented offense, who is fourteen years of age or older at the 467
time of committing the offense, and who a juvenile court judge, 468
pursuant to an order issued under section 2152.82, 2152.83, 469
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 470
juvenile offender registrant and specifies has a duty to comply 471
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 472
Revised Code. "Juvenile offender registrant" includes a person 473
who prior to January 1, 2008, was a "juvenile offender 474
registrant" under the definition of the term in existence prior 475
to January 1, 2008, and a person who prior to July 31, 2003, was 476
a "juvenile sex offender registrant" under the former definition 477
of that former term. 478

(N) "Public registry-qualified juvenile offender 479
registrant" means a person who is adjudicated a delinquent child 480
and on whom a juvenile court has imposed a serious youthful 481
offender dispositional sentence under section 2152.13 of the 482

Revised Code before, on, or after January 1, 2008, and to whom 483
all of the following apply: 484

(1) The person is adjudicated a delinquent child for 485
committing, attempting to commit, conspiring to commit, or 486
complicity in committing one of the following acts: 487

(a) A violation of section 2907.02 of the Revised Code, 488
division (B) of section 2907.05 of the Revised Code, or section 489
2907.03 of the Revised Code if the victim of the violation was 490
less than twelve years of age; 491

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 492
the Revised Code that was committed with a purpose to gratify 493
the sexual needs or desires of the child; 494

(c) A violation of division (B) of section 2903.03 of the 495
Revised Code. 496

(2) The person was fourteen, fifteen, sixteen, or 497
seventeen years of age at the time of committing the act. 498

(3) A juvenile court judge, pursuant to an order issued 499
under section 2152.86 of the Revised Code, classifies the person 500
a juvenile offender registrant, specifies the person has a duty 501
to comply with sections 2950.04, 2950.05, and 2950.06 of the 502
Revised Code, and classifies the person a public registry- 503
qualified juvenile offender registrant, and the classification 504
of the person as a public registry-qualified juvenile offender 505
registrant has not been terminated pursuant to division (D) of 506
section 2152.86 of the Revised Code. 507

(O) "Secure facility" means any facility that is designed 508
and operated to ensure that all of its entrances and exits are 509
locked and under the exclusive control of its staff and to 510
ensure that, because of that exclusive control, no person who is 511

institutionalized or confined in the facility may leave the 512
facility without permission or supervision. 513

(P) "Out-of-state juvenile offender registrant" means a 514
person who is adjudicated a delinquent child in a court in 515
another state, in a federal court, military court, or Indian 516
tribal court, or in a court in any nation other than the United 517
States for committing a sexually oriented offense or a child- 518
victim oriented offense, who on or after January 1, 2002, moves 519
to and resides in this state or temporarily is domiciled in this 520
state for more than five days, and who has a duty under section 521
2950.04 or 2950.041 of the Revised Code to register in this 522
state and the duty to otherwise comply with that applicable 523
section and sections 2950.05 and 2950.06 of the Revised Code. 524
"Out-of-state juvenile offender registrant" includes a person 525
who prior to January 1, 2008, was an "out-of-state juvenile 526
offender registrant" under the definition of the term in 527
existence prior to January 1, 2008, and a person who prior to 528
July 31, 2003, was an "out-of-state juvenile sex offender 529
registrant" under the former definition of that former term. 530

(Q) "Juvenile court judge" includes a magistrate to whom 531
the juvenile court judge confers duties pursuant to division (A) 532
(15) of section 2151.23 of the Revised Code. 533

(R) "Adjudicated a delinquent child for committing a 534
sexually oriented offense" includes a child who receives a 535
serious youthful offender dispositional sentence under section 536
2152.13 of the Revised Code for committing a sexually oriented 537
offense. 538

(S) "School" and "school premises" have the same meanings 539
as in section 2925.01 of the Revised Code. 540

(T) "Residential premises" means the building in which a residential unit is located and the grounds upon which that building stands, extending to the perimeter of the property. "Residential premises" includes any type of structure in which a residential unit is located, including, but not limited to, multi-unit buildings and mobile and manufactured homes.

(U) "Residential unit" means a dwelling unit for residential use and occupancy, and includes the structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility.

(V) "Multi-unit building" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division.

(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(X) "Halfway house" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.

(Y) A person is in a "restricted offender category" if both of the following apply with respect to the person:

(1) The person has been convicted of, is convicted of, has
pleaded guilty to, or pleads guilty to a sexually oriented
offense where the victim was under the age of eighteen or a
child-victim oriented offense.

(2) With respect to the offense described in division (Y)
(1) of this section, one of the following applies:

(a) With respect to that offense, the person is a tier II
sex offender/child-victim offender or is a tier III sex
offender/child-victim offender who is subject to the duties
imposed by sections 2950.04, 2950.041, 2950.05, and 2950.06 of
the Revised Code.

(b) With respect to that offense if it was committed prior
to January 1, 2008, under the version of Chapter 2950. of the
Revised Code in effect prior to January 1, 2008, the person was
adjudicated a sexual predator, was adjudicated a child-victim
predator, was classified a habitual sex offender, or was
classified a habitual child-victim sex offender.

(Z) "Adjudicated a sexual predator," "adjudicated a child-
victim predator," "habitual sex offender," and "habitual child-
victim offender" have the meanings of those terms that applied
to them under Chapter 2950. of the Revised Code prior to January
1, 2008.

Section 2. That existing sections 2905.05 and 2950.01 of
the Revised Code are hereby repealed.